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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/882,857
Filing Date: June 15, 2001
Appellant(s): VAN DANTZICH ET AL.

Himanshu S. Amin
Reg. No. 40,894
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 24 December 2008 appealing from the Office action mailed 22 July 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,767,852	Keller et al.	06-1998
6,549,219	Selker	04-2003
2001/0030667	Kelts	10-2001
5,555,346	Gross et al.	09-1996
6,337,699	Nielsen	01-2002

Art Unit: 2173

6,078,322	Simonoff	06-2000
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6,057,842	Knowlton et al.	05-2000
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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 14, 16-18, 20, 21, 34, 44, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (US Patent 5,555,346), Kelts (US Publication 2001/0030667), Selker (US Patent 6,549,219) and Nielsen (US Patent 6,337,699).

Regarding claims 1, 34, 44, and 46, Gross teaches a priorities system that prioritizes one or more e-mails according to context (taught as the use of an event manager that implements event prioritization, at col. 9, lines 26-52, the events being related to e-mails in the messaging system, at col. 8, lines 8-18), and a user interface that provides feedback about user actions relating to at least some of the one or more e-mails, the one or more user actions comprising at least one of a time of response to at least some of the one or more e-mails, reading the at least some of the one or more e-mails, deleting the at least some of the one or more e-mails, and ignoring the at least some of the one or more e-mails (taught as the use of multiple events used in rule invocation in relation to e-mail messages, such as the READ, WHEN READ, FILED, TIMER and BUTTON events of col. 5, line 25 through col. 6, line 57, and

Art Unit: 2173

seen in Figs. 3a through 3h), the priorities system configured to adjust the prioritization of at least one of the one or more e-mails based on the feedback about the one or more user actions (again taught as the use of an event manager that implements event prioritization, at col. 9, lines 26-52, the events being related to e-mails in the messaging system, at col. 8, lines 8-18, further taught as the use of a "tickler" feature that allows for the modification of message priority and even rule sets based on user feedback, as can be seen at col. 6, lines 18-30 and col. 10, lines 15-65). Gross further teaches rendering the one or more e-mails based upon the priority of the one or more e-mails, taught as the taking of an action related to a prioritized message, such as the moving of the message to a predefined area, at col. 11, lines 19-36, which would inherently be displayed in such interfaces as the message inbox, sent box, wastebasket, etc.

However, Gross fails to explicitly teach the priorities system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback provided by the user interface, about the one or more user actions relating to the one or more e-mails.

Kelts teaches a system for the prioritized display of information objects, similar to that of Gross. Furthermore, Kelts teaches a priorities system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback provided by the user interface, about the one or more user actions relating to the one or more e-mails, as the prioritization scheme may be based on specified preferences entered by the user (as in Gross) or the scheme can be dynamically responsive to use patterns, at ¶ 0086. Kelts further teaches the information system dealing with e-mail programs, at ¶ 0159.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross and Kelts before him at the time the invention was made to modify the e-mail priorities system of Gross to include the dynamic prioritization of Kelts. One would have been

Art Unit: 2173

motivated to make such a combination for the advantage of enabling easier searching, locating and viewing of data of interest. See Kelts, ¶ 0005.

However, Gross and Kelts fail to explicitly teach the user interface comprising a plurality of colored wedges with one or more objects displayed thereon, the wedges representing one of a user context or source of the emails.

Selker teaches a graphical user interface for use in email messaging systems, similar to that of Gross and Kelts. Furthermore, Selker teaches a user interface comprising a plurality of colored wedges with one or more objects displayed thereon, the wedges representing one of a user context or source of the emails, taught as the use of the system in email messaging at col. 5, lines 34-44 and the display of particular menu levels or items based on importance, popularity or the like, at col. 3, lines 32-58.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross, Kelts and Selker before him at the time the invention was made to modify the email messaging system of Gross and Kelts to include the concentric menu system of Selker. One would have been motivated to make such a combination for the advantage of ease of use afforded by a "pie menu". See Selker, col. 1, lines 33-52.

However, Gross, Kelts, and Selker fail to explicitly teach emails being represented by one or more objects which are displayed based on respective priority.

Nielsen teaches a system for the display of graphical objects related to e-mail messages similar to that of Gross, Kelts and Selker. Furthermore, Nielsen teaches further rendering the one or more e-mails in a display space as one or more display objects, taught as the display of various attributes of a graphical object to represent a state of the related e-mail message, at col. 2, lines 28-54.

Art Unit: 2173

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross, Kelts, Selker and Nielsen before him to modify the messaging system of Gross, Kelts and Selker to include the attribute-specific display objects of Nielsen. One would have been motivated to make such a combination for the advantage of displaying attributes of a related message in simple icon form, at col. 2, lines 14-18.

Regarding claim 14, Nielsen teaches at least one of a shape and a color of the one or more display objects are indications of at least one of a source, a domain, and a priority of the one or more e-mails, taught as the display of various attributes of a graphical object to represent a state of the related e-mail message, at col. 2, lines 28-54.

Regarding claim 16, Gross teaches mapping rules for associating one or more display objects representing the one or more e-mails in a display space, at col. 1, line 60 through col. 2, line 4.

Regarding claim 17, Nielsen teaches an indication of change over time associated with one or more e-mails, taught as the use of “degree of fill” to represent date information such as a percentage of files having a revision date subsequent to the last time the user viewed the file, at col. 2, lines 46-49.

Regarding claim 18, Nielsen teaches the user interface further rendering one or more display objects representing the one or more e-mails at least as the changing of color, at col. 2, lines 35-38.

Regarding claim 20, while Gross, Kelts, Selker and Nielsen fail to explicitly teach the user interface providing at least one of a summary and an enlargement of the one or more e-mails, the examiner notes that many messaging programs such as Microsoft Outlook and America Online are well known to allow a display of a summary of an e-mail (i.e. the subject line) and an enlargement (i.e. double-clicking an e-mail icon to read the full text of the message). The examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to include a summary and an enlargement of an e-mail message in the messaging system of Gross, Kelts, Selker and Nielsen.

Regarding claim 21, while Gross, Kelts, Selker and Nielsen fail to explicitly teach semantic zooming enabling users to receive various levels of information regarding one or more e-mails, many file folder systems such as Windows 95 are well known to allow the display of icons relating to file objects in various sizes, as well as thumbnails relating to file objects in various sizes to allow the display of various levels of information to a user. The examiner takes OFFICIAL NOTICE of these teachings. Therefore, it would have been obvious to one of ordinary skill in the art to include semantic zooming into the messaging system of Gross, Kelts, Selker and Nielsen.

Regarding claim 47, as the messaging system is an electronic messaging system, it must inherently contain a signal to transmit computer executing instructions as claimed.

Regarding claim 48, Selker teaches the arrangement of sectors in a circular pattern, as can be seen in Figs. 1-8.

Art Unit: 2173

Regarding claim 49, Selker teaches wedges being further divided into concentric circles, squares, rectangles, or triangles to facilitate delineating the respective priorities of the displayed objects, as can be seen in Figs. 2-9 and at col. 3, lines 44-58.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, Kelts, Selker Nielsen, and Knowlton et al (US Patent 6,057,842), hereinafter Knowlton.

Gross, Kelts, Selker and Nielsen have been shown to teach a messaging system having attribute-specific display objects.

However, Gross, Kelts, Selker and Nielsen fail to explicitly teach clustering rules for displaying N number of display objects in the display space, N being an integer, the clustering rules comprising rendering as many of the one or more display objects as can fit in the display space.

Knowlton teaches a system for generating display layouts in electronic mail messaging systems, similar to those of Gross, Kelts, Selker and Nielsen. Furthermore, Knowlton teaches clustering rules for displaying N number of display objects in the display space, N being an integer, the clustering rules comprising rendering as many of the one or more display objects as can fit in the display space, at col. 17, lines 4-19.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross, Kelts, Selker, Nielsen and Knowlton before him at the time the invention was made to modify the messaging system of Gross, Kelts, Selker and Nielsen to include the clustering rules of Knowlton.

One would be motivated to make such a combination for the advantage of allowing a user to control and view as much pertinent information as possible.

Art Unit: 2173

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, Kelts, Selker, Nielsen, and Simonoff (US Patent 6,078,322).

Gross, Kelts, Selker and Nielsen have been shown *supra* to teach the limitations of claim 17.

However, Gross, Kelts, Selker and Nielsen fail to explicitly teach at least one of a fast forward and a replay section to provide the indication of changes over time.

Simonoff teaches a system capable of displaying notifications about information of interest to a user, similar to that of Gross, Kelts, Selker and Nielsen. Furthermore, Simonoff teaches at least one of a fast forward and a replay section to provide the indication of changes over time, at col. 10, lines 27-28.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross, Kelts, Selker, Nielsen and Simonoff before him at the time the invention was made to modify the notification system of Gross, Kelts, Selker and Nielsen to include the replay section of Simonoff. One would have been motivated to make such a combination for the advantage of giving the user greater functionality and control in terms of information of interest.

Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gross, Kelts, Selker, Nielsen and Keller et al (US Patent 5,767,852), hereinafter Keller.

Gross, Kelts, Selker and Nielsen have been shown to teach the notification system of claim 1.

However, Gross, Kelts, Selker and Nielsen fail to explicitly teach the user interface comprising a transparent cover for the wedges and the display objects that mitigates inadvertent setting of priorities by a user such that a user can provide explicit training to the priorities system

Art Unit: 2173

by removing the cover via a mouse selection and drag operation and rearranging the display objects on the wedges and locking the cover in place after the rearrangement.

Keller teaches the manipulation of priorities similar to those of Gross, Kelts, Selker and Nielsen.

Furthermore, Keller teaches providing explicit training to a priorities system via a mouse selection and drag operation and rearranging the display objects, as can be seen in Fig. 4, and at col. 2, lines 51-65. The examiner contends that the "cover" as claimed is analogous to the icon locking mechanism of Keller, found in col. 6, lines 56-65.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Gross, Kelts, Selker and Nielsen before him at the time the invention was made to modify the notification system of Gross, Kelts, Selker and Nielsen to include the priorities modification system of Keller. One would have been motivated to make such a combination for the advantage of a convenient graphical means for controlling process priority, as noted by Keller at col. 2, lines 23-27.

(10) Response to Argument

Regarding Appellant's arguments of claim 1, that the cited Gross reference fails to teach "the emails are represented by the one or more objects which are displayed based on an assigned priority", the examiner notes that the Nielsen reference is relied upon to teach such a limitation, and as such the argument is moot. Appellant further argues with respect to claim 34 that the Gross reference fails to teach "rendering the one or more e-mails based upon a priority of the one or more e-mails as corresponding objects on the sectors", the examiner further contends that "color sectors" are indeed not taught by the Gross reference. Instead the examiner has relied upon a combination of Gross (who teaches e-mail priority), Selker (who

Art Unit: 2173

explicitly teaches displaying data related to e-mail systems in colored wedges), and Nielsen (who explicitly teaches displaying e-mails as graphical objects based on an assigned priority).

Regarding Appellant's arguments of pages 7 and 8 concerning the Kelts reference, the examiner respectfully disagrees. Appellant argues that Kelts fails to teach "the user interface providing feedback about one or more user actions relating to at least some of the one or more e-mails, the priorities system configured to adjust its decision making regarding the prioritization of one or more subsequently received e-mails based on the feedback received from the user interface about the one or more user actions relating to the one or more e-mails". Appellant further states that Kelts "only teaches applying such changes to existing information within the map". The examiner contends that Kelts does indeed teach such limitations. For example, Kelts teaches the prioritization scheme being applied to new information, as in ¶ 0086, which states "[t]he prioritization scheme can be dynamically responsive to user patterns *or programming changes in a manner that facilitates automatic updating of the navigation map characteristics*". Therefore, Kelts does indeed teach the ability to respond to and prioritize "new information". Furthermore, the examiner contends that Kelts discloses the use of the interface for multiple additional software applications such as e-mail applications, at ¶ 0159, and further discloses at ¶ 0060 that the displayed map items "may vary depending on the particular application".

Appellant argues on page 8 that the Selker reference fails to teach "a user interface that comprises a plurality of colored wedges with one or more objects displayed thereon, the wedges represent one of a user context or a source of the emails, the emails are represented by the one or more objects which are displayed based on an assigned priority". The examiner respectfully disagrees. As cited above, Selker clearly discloses a graphical user interface consisting of "wedges" or "sectors" which include colors, textures, sector location, or other such graphical

Art Unit: 2173

attributes to indicate context. Selker discloses the use of such an interface in an e-mail system, as cited at col. 5, lines 38-44, and further discloses at col. 4, lines 4-20 the specific use of a hierarchical multiple level menu system. Specifically, Selker states that the levels may be divided into parent and child menu items, and divisible into any number of choices, similar to the user interface of well-known e-mail applications that represent individual e-mails as child data items, with attributes such as "Sender", "Subject", "Date Received", etc. as parent structures for the e-mail items. Therefore, the examiner contends that Selker does indeed teach "a user interface that comprises a plurality of colored wedges with one or more objects displayed thereon, the wedges represent one of a user context or a source of the emails, the emails are represented by the one or more objects which are displayed based on an assigned priority".

On page 8 of the remarks, Appellant argues that the Nielsen reference fails to teach "a user interface that comprises a plurality of colored wedges with one or more objects displayed thereon, the wedges represent one of a user context or a source of the emails, the emails are represented by the one or more objects which are displayed based on an assigned priority". However, the examiner contends that Selker does teach such, as shown *supra*.

Appellant further argues on pages 8 and 9 that the Gross reference fails to teach "the notification system further comprising mapping rules for associating one or more display objects representing the one or more e-mails in a display space", as in claim 16. The examiner contends that the rules created by Gross include forwarding and filing e-mail messages (col. 1, lines 48-50) to various interface folders such as those seen in Fig. 10F. As to Appellant's arguments concerning Gross and independent claim 46, that Gross fails to teach "at least one display object mapped to at least one of a plurality of e-mails prioritized according to context, the object is displayed based on an assigned priority on a portion of at least one display sector",

Art Unit: 2173

the examiner notes that the Nielsen reference is relied upon to teach such a limitation, and as such the argument is moot.

In response to Appellant's arguments of claims 15, 19 and 50 at Sections B, C, and D of the Brief, the examiner notes that Appellant's arguments concern the dependency of the claims on independent claim 1, and include no new arguments concerning claims 15, 19, and 50.

Therefore, said arguments are deemed responded to.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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